

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTELLECTUAL VENTURES I LLC, )  
Plaintiff, )  
v. ) C.A. No. 10-1067 (LPS)  
SYMANTEC CORPORATION, et al., )  
Defendants. )

## **SYMANTEC'S PROPOSED VERDICT FORM**

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In answering these questions, you are to follow all of the instructions I have given you in the Court's charge.

**Question No. 1 – '610 Patent Infringement**

1.1. Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec MessageLabs Email Security.cloud literally satisfy all limitations of claim 7 of the '610 Patent?

**Answer “yes” or “no.”** \_\_\_\_\_

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

1.2. Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec MessageLabs Email Antivirus.cloud literally satisfy all limitations of claim 7 of the '610 Patent?

**Answer “yes” or “no.”** \_\_\_\_\_

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

1.3. Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec MessageLabs Instant Messaging Security.cloud literally satisfy all limitations of claim 7 of the '610 Patent?

**Answer “yes” or “no.”** \_\_\_\_\_

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

1.4 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec MessageLabs Web Security.cloud literally satisfy all limitations of claim 7 of the '610 Patent?

**Answer "yes" or "no."** \_\_\_\_\_

A "yes" answer is a finding for Intellectual Ventures. A "no" answer is a finding for Symantec.

**Question No. 2 – '610 Patent Invalidity**

Has Symantec proven by clear and convincing evidence that claim 7 of the '610 Patent is invalid?

**Answer "yes" or "no."** \_\_\_\_\_

A "yes" answer is a finding for Symantec. A "no" answer is a finding for Intellectual Ventures.

**Answer Question No. 3 only if you answered "Yes" to any of Questions No. 1.1-1.4 and "No" to Question No. 2. Otherwise skip to Question No. 4.**

**Question No. 3 – '610 Patent Damages**

To the extent that you find claim 7 of the '610 Patent to be both valid and infringed, what sum of money, if any, do you find from the preponderance of the evidence would fairly and reasonably compensate Intellectual Ventures for Symantec's infringement of the '610 Patent?

**Answer with the amount: \$ \_\_\_\_\_**

**Question No. 4 – '050 Patent Infringement**

4.1 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Norton Internet Security literally satisfy all limitations of any of the asserted claims of the '050 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES

NO

Claim 9: \_\_\_\_\_

Claim 16: \_\_\_\_\_

Claim 22: \_\_\_\_\_

4.2 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Norton AntiVirus literally satisfy all limitations of any of the asserted claims of the '050 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES

NO

Claim 9: \_\_\_\_\_

Claim 16: \_\_\_\_\_

Claim 22: \_\_\_\_\_

4.3 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Norton 360 literally satisfy all limitations of any of the asserted claims of the '050 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 9: \_\_\_\_\_

Claim 16: \_\_\_\_\_

Claim 22:

4.4 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Norton One literally satisfy all limitations of any of the asserted claims of the '050 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES NO

Claim 9:

Claim 16:

Claim 22:

4.5 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Endpoint Protection 12.1 literally satisfy all limitations of any of the asserted claims of the '050 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES NO

Claim 9: \_\_\_\_\_

Claim 16: \_\_\_\_\_

Claim 22: \_\_\_\_\_

## Question No. 5 – '050 Patent Invalidity

Has Symantec proven by clear and convincing evidence that any of the asserted claims of the '050 Patent are invalid?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Symantec. A “no” answer is a finding for Intellectual Ventures.

Claim 9:

Claim 16:

Claim 22:

**Answer Question No. 6 only if you answered “Yes” to any of Question Nos. 4.1-4.5 for any claim and “No” to Question No. 5 for that same claim. Otherwise skip to Question No. 7.**

## **Question No. 6 – '050 Patent Damages**

To the extent that you find any of the asserted claims of the '050 Patent to be both valid and infringed, what sum of money, if any, do you find from the preponderance of the evidence would fairly and reasonably compensate Intellectual Ventures for Symantec's infringement of the '050 Patent?

**Answer with the amount: \$**

## **Question No. 7 – '142 Patent Infringement**

7.1 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Messaging Gateway literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES NO

Claim 1:

Claim 7:

Claim 17:

Claim 21:

Claim 22:

Claim 24:

Claim 26:

7.2 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Brightmail Gateway literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 1: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 17: \_\_\_\_\_

Claim 21: \_\_\_\_\_

Claim 22:

Claim 24:

Claim 26:

7.3 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Mail Security Appliance literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 1:

Claim 7:

Claim 17:

Claim 21:

Claim 22:

Claim 24:

Claim 26:

7.4 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Mail Security for SMTP literally satisfy all limitations of any of the asserted claims of the '142 Patent?

Answer “yes” or “no” for each claim.

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 1:

Claim 7:

Claim 17: \_\_\_\_\_

Claim 21: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 26: \_\_\_\_\_

7.5 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Message Filter literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES

NO

Claim 1: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 17: \_\_\_\_\_

Claim 21: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 26: \_\_\_\_\_

7.6 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec MessageLabs Email Security.cloud literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 1:

Claim 7: \_\_\_\_\_

Claim 17:

Claim 21:

Claim 22:

Claim 24:

Claim 26:

7.7 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Brightmail AntiSpam literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 1: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 17: \_\_\_\_\_

Claim 21: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 26: \_\_\_\_\_

7.8 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Mail Security for Microsoft Exchange literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

YES

NO

Claim 1: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 17: \_\_\_\_\_

Claim 21: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 26: \_\_\_\_\_

7.9 Has Intellectual Ventures proven by a preponderance of the evidence that the accused versions of Symantec Mail Security for Lotus Domino literally satisfy all limitations of any of the asserted claims of the '142 Patent?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Intellectual Ventures. A “no” answer is a finding for Symantec.

Claim 1:

Claim 7:

Claim 17:

Claim 21:

Claim 22:

Claim 24:

Claim 26:

## **Question No. 8 – '142 Patent Invalidity**

Has Symantec proven by clear and convincing evidence that any of the asserted claims of the '142 Patent is invalid?

**Answer “yes” or “no” for each claim.**

A “yes” answer is a finding for Symantec. A “no” answer is a finding for Intellectual Ventures.

Claim 1:

Claim 7:

Claim 17: \_\_\_\_\_

Claim 21: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 26: \_\_\_\_\_

**Answer Question No. 9 only if you answered “Yes” to any of Question Nos. 7.1-7.9 for any claim and “No” to Question No. 8 for that same claim. Otherwise stop here.**

**Question No. 9 – ’142 Patent Damages**

To the extent you find any of the asserted claims of the ’142 Patent to be both valid and infringed, what sum of money, if any, do you find from the preponderance of the evidence would fairly and reasonably compensate Intellectual Ventures for Symantec’s infringement of the ’142 Patent?

**Answer with the amount: \$ \_\_\_\_\_**

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*Date*

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*Foreperson*

*[add signature blocks for remaining jurors]*